

### **REMARKS**

Applicants respectfully request reconsideration of this application in view of the foregoing amendment and following remarks.

#### **Status of the Claims**

Claims 1-4 and 8-15 are pending in this application. Claims 1 and 8 are independent. All of the pending claims stand rejected. By this amendment, claims 1 and 8 are amended. No new matter has been added by this amendment.

#### **Rejections**

Claims 1-4, 8-12, and 14-15 have been rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over U.S. Patent No. 4,772,885 to Uehara (“Uehara”), in view of U.S. Patent No. 5,382,477 to Saito (“Saito”), and in further view of U.S. Patent Application No. 20010003601 to Ueda (“Ueda”). Claim 13 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Uehara, in view of Saito, Ueda, and U.S. Patent No. 4,500,173 to Leibowitz (“Leibowitz”).

The Final Office Action correctly indicates that neither Uehara nor Saito shows or suggests a passivation layer over the first electrode. The Final Office Action then cites Ueda as disclosing the passivation layer of the present invention. The Final Office Action specifically refers to Fig. 1, [0054] and [0082] of Ueda as disclosing the passivation layer.

Applicants respectfully traverse the rejections based, in particular, on Ueda for at least the reasons as set forth below.

Referring to Fig. 1 of Ueda, the organic EL device has a structure having positive electrode 1, hole injecting/transporting layer 2, organic layer 3, negative electrode 4, and sealing

membrane 5. The Final Office Action seemed to equate the sealing membrane 5 to the passivation layer of the present invention. Applicants note, however, that Ueda's sealing membrane is different from the passivation layer of the present invention in several different aspects and Ueda does not disclose that the sealing membrane is a light transmittance type. For example, in the Ueda's organic EL device, the light outputting surface appears to be located on the positive electrode, not on the sealing membrane. In contrast, the present invention specifically requires that the light outputting surface is located on the passivation film. Each of claims 1 and 8 recites "a light outputting surface located on the passivation film, wherein white light emitted by the light emitting element is outputted from the light outputting surface toward the display unit."

Leibowitz is cited as disclosing an EL backlight formed on the lower display substrate but does not disclose "a passivation layer" formed on an electrode located on the light outputting surface.

Accordingly, each of independent claims 1 and 8 is believed neither anticipated by nor rendered obvious in view of the cited references (i.e., Uehara, Saito, Ueda and Leibowitz), either taken alone or in combination, for at least the reasons discussed above.

Nonetheless, claims 1 and 8 have been amended for further clarification. For example, each of amended claims 1 and 8 recites, *inter alia*, "... the entire light emitting element emits light toward the direction of the first electrode." It is clear in Fig. 1 of the present application that the generated light is directed toward the LCD 12 after passing through the first electrode 26 and passivation film 28 of the EL backlight 13.

Applicants believe that each of amended claims 1 and 8 further distinguishes over the

In reply to Final Office Action dated July 5, 2006  
U.S. Appl. No. 10/613,712  
Paper dated October 5, 2006

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cited art of records.

Reconsideration and withdrawal of claims 1 and 8 under 35 U.S.C. §103(a) is respectfully requested.

Applicants have not individually addressed the rejections of all of the dependent claims because Applicants submit that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicants however reserve the right to address such rejections of the dependent claims should such be necessary.

Applicants believe that the application as amended is in condition for allowance and such action is respectfully requested.

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**AUTHORIZATION**

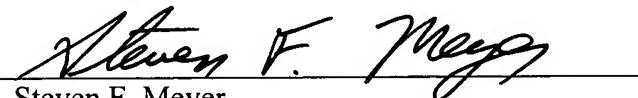
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 5000-5112.

In the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time to make this response timely, and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 5000-5112. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: October 5, 2006

By:

  
Steven F. Meyer  
Registration No. 35,613

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101  
(212) 415-8700 Telephone  
(212) 415-8701 Facsimile